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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,036	02/14/2001	Terence Martin Hinds	Q51544	8219

7590 04/20/2004
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EXAMINER

MAKI, STEVEN D

ART UNIT PAPER NUMBER

1733

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/782,036

Applicant(s)

HINDS ET AL.

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): the 112 second paragraph rejection.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Advisory Action Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-5,8,10-23 and 25-32.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Interview Summary dated 4-15-04

Advisory Action Attachment

The 35 USC 112 second paragraph rejection set forth in the last office action has been withdrawn in view of the amendment filed 3-19-04. Since it is now clear that the "first substrate" in claim 1 is generic to fibre matt material or belt, the obviousness conclusion regarding the use of two textile sheets (see page 8 lines 4-12 of office action dated 5-20-03) is not required against claims 1, 10 and 18 but continues to be applied to those dependent claims (e.g. 17, 19, 20, 21, 26) directed to use of a first substrate and second substrate in addition to the pair of belts.

Remarks

As to claim 1, applicant argues that "... Schermutzki fails to teach the sequential application of thermoplastic, textile onto the thermoplastic, and then application of a second thermoplastic onto the textile". Applicant is incorrect. First: Schermutzki teaches this sequential application of thermoplastic, textile and thermoplastic in figure 1; it being emphasized that the thermoplastic from device 6 is applied to the textile *downstream* (instead of upstream) of roller 9. Second: Schermutzki teaches this sequential application of thermoplastic, textile and thermoplastic in figure 4; it being emphasized that the thermoplastic from device 11d is applied to the textile *downstream* (instead of upstream) of roller 9.

With respect to figure 1 of Schermutzki, applicant argues that powder is applied to the upper belt instead of the substrate. More properly, Brinkmann et al teaches applying thermoplastic particles onto a textile sheet during the manufacture of a floor covering. See col. 3 lines 60-68, col. 7 lines 53-58.

With respect to figure 4 of Schermutzki, applicant argues that thermoplastic powder from device 11d is not scattered onto a "second substrate" since it is scattered on a "resin and glass fiber layer". This argument is not commensurate in scope with the claims and therefore not persuasive since none of the present claims exclude the second substrate being a "resin and glass fiber layer". In other words, all of the present claims read on applying thermoplastic material on the second substrate *before and after* applying the second substrate to the first coating; applicant having presented no convincing argument and/or evidence to the contrary.

With respect to figure 4, applicant's further argument that mat 4 fails to contact resin layer 40 before thermoplastic powder from device 11d is applied to the mat 4 is not persuasive since figure 4 shows (1) moving the mat 4 along a horizontal path and (2) changing the orientation of the belt (upon which the resin layer 40 is applied) from inclined to horizontal prior to the location at which the thermoplastic powder from device 11d is applied onto the mat 4.

As to claim 32, applicant comments that "...the end product of claim 32 may appear similar to that in Takeuchi" (pages 9 and 10 of response filed 3-19-04). Examiner agrees that Takeuchi, directed to flooring covering, suggests modifying Brinkman et al's floor covering manufacturing process such that thermoplastic material is provided on both sides of the textile sheet instead of on only one side. Viewing the prior art as a whole, one of ordinary skill in the art is instructed to (1) apply the thermoplastic particles onto Brinkman et al's lower belt prior to applying the textile sheet thereon in order to provide the thermoplastic lower layer (see Schermutzki) and (2)

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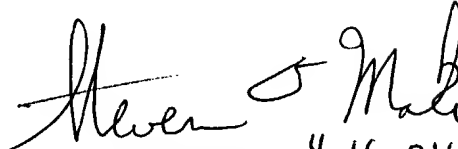
apply thermoplastic particles onto the textile sheet in order to form the upper layer of thermoplastic (see col. 3 lines 60-68, col. 7 lines 53-58 of Brinkmann et al). As to the last remaining limitation (the sequence of steps), Schermutzki, which like Takeuchi teaches contacting thermoplastic and a lower surface of a textile, teaches sequential application of thermoplastic material, textile and thermoplastic for the reasons discussed above. No unexpected results for the claimed sequence of steps over the applied prior art has been shown.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
April 16, 2004


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
Av 1733
4-16-04